

1 Bruce S. Sostek, admitted *pro hac vice*  
bruce.sostek@hklaw.com  
2 Richard L. Wynne, Jr., admitted *pro hac vice*  
richard.wynne@hklaw.com  
3 Adrienne E. Dominguez, admitted *pro hac vice*  
adrienne.dominguez@hklaw.com  
4 HOLLAND & KNIGHT LLP  
One Arts Plaza  
5 1722 Routh Street, Suite 1500  
Dallas, Texas 75201  
6 Telephone: (214) 969-1700  
Facsimile: (214) 969-1751

7 John V. Picone III, Bar No. 187226  
8 jpicone@hopkinscarley.com  
HOPKINS & CARLEY  
9 A Law Corporation  
The Letitia Building  
10 70 South First Street  
San Jose, CA 95113-2406

11 **mailing address:**  
12 P.O. Box 1469  
San Jose, CA 95109-1469  
13 Telephone: (408) 286-9800  
Facsimile: (408) 998-4790

14 Attorneys for Plaintiffs  
15 BROADCOM CORPORATION and AVAGO  
TECHNOLOGIES INTERNATIONAL SALES PTE.  
16 LIMITED.

17 **UNITED STATES DISTRICT COURT**  
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN FRANCISCO DIVISION**

20 **BROADCOM CORPORATION, ET AL.,**

Case No. 3:20-cv-04677-JD

21 Plaintiffs,

**JOINT STIPULATION OF DISMISSAL WITH  
PREJUDICE OF THE FIRST AND THIRD  
CAUSES OF ACTION OF PLAINTIFFS' SECOND  
AMENDED COMPLAINT**

22 v.

Dept.: Courtroom 11, 19th Floor

23 **NETFLIX, INC.,**

Judge: Hon. James Donato

24 Defendant.

Date Filed: March 13, 2020

25 Trial Date: None Set

1 Plaintiffs Broadcom Corporation and Avago Technologies International Pte. Limited  
2 (collectively, Broadcom) filed their First Amended Complaint in this action on June 22, 2020,  
3 alleging, among other things, that Netflix, Inc. infringes U.S. Patent Nos. 7,266,079 and  
4 8,959,245 (Broadcom's first and third causes of action, respectively). On September 14, 2021,  
5 the Court entered an order finding the '079 and '245 Patents are patent-ineligible under 35  
6 U.S.C. § 101. That order dismissed Broadcom's first and third causes of action, but granted  
7 Broadcom leave to file an amended complaint. Broadcom filed a Second Amended Complaint on  
8 October 8, 2021. To preserve its right to appeal the Court's dismissal of the first and third causes  
9 of action from the First Amended Complaint, Broadcom restated those causes of action in the  
10 Second Amended Complaint.

11 In accordance with Federal Rule of Civil Procedure 41(a)(2), based on the Court's order of  
12 September 14, 2021, determining that the '079 and '245 Patents are patent-ineligible, the Parties  
13 stipulate to the dismissal with prejudice of the first and third causes of action in Broadcom's  
14 Second Amended Complaint. Notwithstanding this stipulation, Broadcom reserves the right to  
15 appeal the Court's order finding that the '079 and '245 Patents are patent-ineligible.

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Dated: October 21, 2021

2 HOLLAND & KNIGHT LLP

3 By: /s/ Richard L. Wynne, Jr.

4 Bruce S. Sostek  
Richard L. Wynne, Jr.  
Adrienne E. Dominguez  
Justin S. Cohen  
Natalie C. Parker

5  
6 Attorney for Plaintiffs  
7 BROADCOM CORPORATION,  
AVAGO TECHNOLOGIES  
8 INTERNATIONAL SALES PTE.  
LIMITED

9  
10 KEKER, VAN NEST & PETERS LLP

11 By: /s/ Sharif E. Jacob

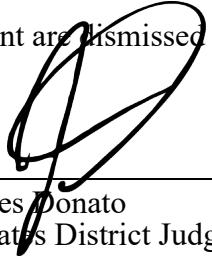
12 Robert A. Van Nest  
Paven Malhotra  
Sharif E. Jacob  
Thomas E. Gorman  
Edward A. Bayley

13  
14 Attorneys for Defendant  
15 Netflix, Inc.  
16 BROADCOM CORPORATION,  
AVAGO TECHNOLOGIES  
17 INTERNATIONAL SALES PTE.  
LIMITED

1 **[PROPOSED] ORDER**  
2

3 Plaintiffs' Second Amended Complaint alleges in its first and third causes of action that  
4 Defendant infringes U.S. Patent Nos. 7,266,079 and 8,959,245. In view of the Parties' Joint  
5 Stipulation of Dismissal with Prejudice of the First and Third Causes of Action of Plaintiffs'  
6 Second Amended Complaint, and based on the Court's prior order finding that the '079 and '245  
7 Patents are patent-ineligible under 35 U.S.C. § 101, the Court hereby orders that the first and  
8 third causes of action of Plaintiffs' Second Amended Complaint are dismissed with prejudice.

9 DATED: November 9, 2021

10   
11 Hon. James Donato  
12 United States District Judge

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28